

BOARD OF FORESTRY AND FIRE PROTECTION  
**PROFESSIONAL FORESTERS REGISTRATION**  
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# LICENSING NEWS

*Vol. 19 No. 1*

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Cover Photo: The first class, Cornell University School of Forestry, in 1900. Cornell University initiated the first four-year curriculum in professional forestry under Dr. Bernhard Fernow (center). Dr. Bernhard Eduard Fernow, who was trained in forestry in his native Germany, brought professionalism to American forestry with his appointment as Chief of the (federal) Division of Forestry in 1886.

Professional Foresters Registration welcomes all photo submissions which would be suitable for the cover of this publication.

# **LICENSING NEWS**

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## **I. Board of Forestry and Fire Protection**

### **1. Governor Appoints Three Board Members**

On December 29, 1999, Governor Davis announced the appointment of Mark A. Bosetti and the re-appointment of Robert C. Heald to the State Board of Forestry and Fire Protection.

Mr. Bosetti, 42, of Burney, has been with Sierra Pacific Industries for nine years, first as division forester from 1991 to 1993 and currently serves as a division timber manager. From 1990 to 1991 he was a resource manager and forester for Marysville Forest Products and from 1985 to 1990 he was a district forester for P & M Cedar Products.

Mr. Bosetti earned a Bachelor of Science degree in forest resources from the University of Idaho. He is Registered Professional Forester No. 2266. He is also a member of the California Licensed Foresters Association and the Sierra-Cascade Logging Conference board of Directors.

Mr. Heald, 53, of Georgetown, has served on the Board of Forestry and Fire Protection since 1992. Since 1975, Mr. Heald has been the director for the University of California at Berkeley's Center for Forestry.

Mr. Heald earned a Bachelor of Science degree and a Master of Science degree in forestry from the University of California at Berkeley. He is Registered Professional Forester No. 1808, and a member of the California Licensed Foresters Association and the Society of American Foresters.

On April 13, 2000, Governor Davis announced the appointment of Gary C. Rynearson as a member of the Board.

Mr. Rynearson, 46, of Arcata, has been president of the Natural Resources Management Corporation since 1985. He is Registered Professional Forester No. 2117, a member of the Humboldt Bay Watershed Advisory Council, the California Licensed Foresters Association, the Society of American Foresters, the Association of Consulting Foresters and the Western Forestry and Conservation Association.

Mr. Rynearson earned a Bachelor of Science degree from Humboldt State University and currently serves a chairman of the Professional Foresters Examining Committee.

### **2. Chairman Robert Kerstiens Steps Down**

Following an eleven year tenure on the Board of Forestry and Fire Protection, eight of those years in the capacity of chairman, Robert J. Kerstiens announced his intent to leave the Board effective March 15, 2000. In announcing his reasons for not seeking reappointment following the completion of his third term, Mr. Kerstiens cited other personal commitments as well as the desire to devote more time to projects in other areas. Mr. Kerstiens served the Board as both a public member (1989-1992) and the range and livestock representative (1992-2000).

With his appointment to the Board, following a forty year career with the Department of Forestry and Fire Protection, Mr. Kerstiens sought to re-introduce an emphasis on the fire management aspects of the Board's responsibilities. By all measures, Mr. Kerstiens accomplished this goal through his continual involvement with the Board's Resource Protection Committee as well as his close ties to the Department. His oversight of the implementation of the 1996 California Fire Plan was one of his many notable accomplishments.

Chairman Kerstiens was known for his ability to objectively analyze both sides of the many complex issues brought before the Board, as well as his policy of allowing people on all sides of an issue ample opportunity to express their beliefs.

Professional Foresters Registration wishes to acknowledge Mr. Kerstiens' many accomplishments, thank him for his long term dedication to resource protection in California, and wish him continued happiness and success

### **3. Golden Trowel Award for 1999**

The Board of Forestry and CDF jointly present an annual award to recognize superior accomplishments in archaeological site stewardship. Designated the ***Golden Trowel Award***, recipients are given an engraved plaque with a Marshalltown Trowel in recognition of outstanding achievements in the identification, documentation, and protection of California's archaeological resources. A perpetual plaque bearing the name of all previous award recipients is permanently displayed at the Board's Office here in Sacramento. These awards symbolize the effective integration of archaeological site identification and management into the practice of professional forestry within California and call attention to the Board's rules requiring archaeological surveys and the Board-Certified program of archaeological training for resource professionals. This program has become recognized as one of the most successful archaeological training programs of its type in the country.

Since its creation in 1989, the Golden Trowel Award has been given to 17 individuals to recognize outstanding efforts made towards the identification and protection of the state's archaeological resources. Most of these previous recipients have come from the private sector, either consulting or industrial RPFs, who were recognized for superior archaeological surveys and protection efforts. At the November 1999 Board meeting CDF Area Forester **Tom Francis**, was presented with the Award.

Tom is a Registered Professional Forester and CDF Peace Officer. He completed CDF/CLFA Archaeological Training Course #32 in 1993 and Course #56R in 1998. As the Area Forester in Tuolumne County, Tom evaluates archaeological and historical resources for timber harvesting, service forestry, prescribed burns, and CDF Engineering projects. Like many RPFs in California, Tom has developed an excellent working relationship with professional archaeologists, and regularly consults with them to receive advice and technical guidance on archaeological or historical research, surveying, significance evaluations, and report writing. He uses these skills to protect historic and prehistoric resources during his review and impact evaluations for CDF projects in his area. These include construction of fire stations, prescribed burn projects, forestry assistance, and timber harvesting.

The three major reasons Tom was selected to receive this award were:

1. Diligence in locating and protecting archaeological sites

Although CDF had only a minor responsibility in overseeing archaeological concerns for a new County fire station, Tom assumed a lead role to ensure resource protection. He requested an Archaeological Records Check from the Central California Information Center that noted that the project parcel was part of an old mining claim, but no sites had ever been recorded. He realized there was a high probability that a survey of the fire station property would likely result in the discovery of a significant, previously unknown historical site so Tom surveyed the parcel, found the site, and ensured that it was recorded in accordance with CEQA and professional archaeological standards.

2. Ability to negotiate archaeological problems

Tuolumne County has a rich history, and THPs in this county contain a remarkably high average of three archaeological sites per plan. As a forest practice inspector, Tom reviews each of these plans and relocates each archaeological site in the field. He has an outstanding ability to determine if the proposed protection measures are adequate. In order to protect sites, Tom treats each site uniquely, and is able to recommend a variety of protection measures when he negotiates with other RPFs. He finds ways to develop archaeological site protection into plans without undue cost and enjoys working out solutions to problems.

3. Research ability for CDF projects such as prescribed burn projects and minor capital improvement projects.

Tom regularly completes remarkably thorough pre-field research prior to conducting archaeological surveys for CDF projects. This research provides clues as to what he might expect to find, where to find such sites, and provides the context to evaluate site significance. He enjoys interviewing people as part of his research. By emphasizing pre-field research, Tom is able to find sites that might otherwise be overlooked during a survey. As an example, his excellent work prior to the field survey for the Priest Coulterville VMP enabled Tom to locate 15 sites, both prehistoric and historic, which were previously unknown. He recorded the sites to professional archaeological standards and protected them from damaging effects. This survey effort by Tom was recognized by Ranger Unit, Region, and Sacramento Headquarters staff as truly remarkable and outstanding work. This report and several other survey reports prepared by Tom Francis have made a significant contribution to our body of knowledge of the history of Tuolumne County.

The actions and accomplishments RPF Tom Francis provide notable examples of what the CDF Archaeology Program has as its goals for forestry in California: a heightened awareness of the unique value of California's historic and prehistoric archaeological resources.

#### **4. Francis H. Raymond Award for 2000**

On May 1, 2000, the California State Board of Forestry and Fire Protection selected Ronald S. Adams and Sherman J. Finch as co-recipients of the 2000 Francis H. Raymond Award. A formal Award dinner and presentation will be scheduled later this summer in the Sacramento area.

The Raymond Award is presented annually by the Board of Forestry and Fire Protection to an individual, individuals, or organization, for outstanding contributions during the past five years to the protection and wise-use of forest resources in California. Named in honor of Francis H. Raymond, former State Forester and leading proponent of the Professional Foresters Act of 1972, the Award acknowledges outstanding performance in forest management, research, education, and in seeking to increase public awareness of forest resources in California.

Those in support of the nomination of the Messrs. Adams and Finch included the Department of Forestry and Fire Protection, Talk about Trees, the California Association of Resource Conservation Districts, SmartWood, International Tree Crops Institute USA, the California Forest Products Commission, and former FHR Award winner Gary Nakamura.

The combined professional forestry careers of the co-recipients spans over sixty five years. Both recipients are Registered Professional Foresters; Mr. Adams is RPF No. 246, and Mr. Finch is RPF No. 190. Both recipients have individually remained active in professional forestry following their retirement; however, the basis for this Award focuses on their joint efforts in their activities associated with the Forestry Center at Cal Expo.

Since 1995, Messrs. Adams and Finch have been instrumental in coordinating, maintaining and improving all facets of the activities that occur at the Center. During the California State Fair, the Center receives over 500,000 visitors over its two-week duration. Over 50,000 free seedlings are distributed annually to visitors from all areas of California. Their ongoing work in demonstrating all facets of forestry and forest management to the citizens of California serves as many individual's only exposure in this field. Additionally, these gentlemen are responsible for conducting tours of the Center involving fourth graders from throughout the Sacramento area.

Following the decision to select Adams and Finch as co-recipients, Board vice chair Stan Dixon commented that: "Both Mr. Adams and Mr. Finch perpetuate the example set by Francis H. Raymond over thirty years ago, that of maintaining an active and productive role in professional forestry issues in California following a long and noteworthy professional career. Their contributions to raising the level of awareness of forestry issues of the citizens of California is to be commended."

The Board is in the process of accepting nominations for the 2001 Francis H. Raymond Award. Further information on the nomination process can be found in this issue.

## **5. Modification of Ministerial Project Regulations Approved**

On February 17, 2000, the Office of Administrative Law approved numerous modifications to those regulations addressing Exemptions (14 CCR §1038 *et seq.*), Emergency Notices (14 CCR §1052 *et seq.*) and Exemptions related to the conversion of timberland (14 CCR §1104.1). Additionally, this rule modification package included the addition of the abbreviation for the Regional Water Quality Board (14 CCR §895), and the movement of the definition of “Substantially Damaged Timberlands” from 14 CCR §1080, to the “definitions” portion of the regulations (14 CCR §895.1).

All practicing professional foresters who prepare these types of documents should be aware that these modifications will become effective **July 1, 2000**, as opposed to the usual January 1<sup>st</sup> implementation date. A brief summary of the approved modifications follows. This summary is provided to inform RPFs of those regulatory changes in a general way, and is not intended to be authoritative. An unofficial underline/strikeout version of the changes may be found in the Appendix of this issue.

### **14 CCR §1038 – Exemption**

- Heavy equipment operations within “the standard width” of a watercourse and lake protection zone (except for maintenance of roads and drainage facilities or structures) will be prohibited.
- Timber harvesting within “the standard width” of the WLPZ (except sanitation-salvage harvesting or the removal of dead or dying trees) will be prohibited. Those areas of sanitation-salvage harvesting shall meet stocking upon completion, and all trees to be harvested within the WLPZ shall be marked by the RPF, or supervised designee, prior to operations.
- The Director will no longer have the ability to issue exceptions to the operational constraints that apply under 14 CCR §1038(b).
- The term “species of special concern” has been changed to “sensitive species”.
- Language allowing operations on ownerships less than three acres has been eliminated.
- Several operational and disclosure requirements have been added to the subsection addressing the removal of timber from “substantially damaged timberlands.”
- Harvesting limitations within the WLPZ of lands within the Lake Tahoe Basin have been added.
- Subsection (f), which applies to the Lake Tahoe Basin, will expire on January 1, 2001.

### **14 CCR §1038.1 – Compliance with Act and Rules**

- In-lieu practices within the WLPZ, exceptions to rules, and alternative practices will not be allowed.

### **14 CCR §1052 – Emergency Notice**

- New language specifies which form must be used for the Notice of Emergency Timber Operations [RM-67 (9/99)].
- Topographic map(s) at a specified scale will now be required, and must also delineate yarding systems if more than one will be used.
- The timber owner will now have to declare that applicable yield taxes will be paid pursuant to the Revenue and Taxation Code.



- In-lieu practices within the WLPZ, exceptions to rules, and alternative practices will not be allowed unless necessary to protect public health and safety.

#### **14 CCR §1052.1 – Emergency Conditions**

- Clarification of the reference to “Emergency” under 14 CCR §895.1.

#### **14 CCR §1104.1 – Conversion Exemptions**

- The Director will no longer be able to accept alternative slash and woody debris treatment proposals as part of a conversion exemption.
- Specific language has been added defining when tractor operations may be conducted during the winter period.
- No timber operations shall occur within the buffer zone of a “sensitive species.”
- In-lieu practices within the WLPZ, exceptions to rules, and alternative practices will not be allowed.

## **II. CDF and Resource Agency Activities**

### **1. Monitoring Study Group (MSG) Update**

The Monitoring Study Group met on February 24, 2000 at CDF’s Howard Forest Office near Willits. The meeting was attended by 20 people. This was the first meeting noticed to the public using the BOF’s agenda mailing list. Only one member of the public participated. Representatives from the Board of Forestry and Fire Protection, Department of Forestry and Fire Protection (CDF), Department of Fish and Game, California Forestry Association, North Coast Regional Water Quality Control Board, UC Cooperative Extension, Association of California Loggers, and Department of Mines and Geology attended. A summary of the meeting and recent progress follows.

Based on the MSG’s Strategic Plan, as adopted by the BOF at the January meeting, the MSG’s planned monitoring work for 2000 includes the following: 1) the detailed evaluation of 50 randomly selected THPs as part of the Hillslope Monitoring Program (HMP), 2) the implementation of a pilot program for the revised Modified Completion Report (MCR) monitoring process, 3) the initiation of the Noyo cooperative watershed monitoring project, 4) the further refinement and maintenance of the HMP database, and 5) the development of public outreach and training programs as time and funding allow.

The 2000 HMP contract has been awarded to R.J. Poff and Associates. This is the 5<sup>th</sup> year of the program, and the 4<sup>th</sup> year for state-wide data collection on 50 randomly selected THPs. CDF has successfully queried the Forest Practice Database and developed a pool of 3100 THPs (THPs that have overwintered from 1-4 years). This list has been randomized and screening for watercourses, yarding systems, etc. has been completed for the Redding office. Additional work needs to be completed for the Fresno and Santa Rosa offices. We hope to have letters sent to landowners requesting access by the end of March

and have the contractor in the field by May 1<sup>st</sup>. Class III watercourses will be evaluated operationally for the first time this year. Data from the 1999 field work has been entered in the HMP Database.

CDF has made considerable progress on its revision of the Modified Completion Report (MCR) process. The goal is to add a meaningful monitoring component to the Work Completion Report that is already evaluated by CDF Inspectors. An earlier version of the process was field tested from 1997-1999—but has not been used on either 100% of the THPs or a random sample of THPs—leading to problems with statistical extrapolation. Additionally, many of the THP erosion control structures had not been stressed by winter storm events.

In February, CDF developed a draft procedure for an improved MCR monitoring process. These changes include: 1) sampling a random selection of THPs each year—with the goal being 25% of all THPs, and 2) focusing attention on the Watercourse and Lake Protection Zone (WLPZ) canopy/width, and implementation and effectiveness of Forest Practice Rules (FPR) for roads and watercourse crossings. Implementation is to be rated during the Work Completion Report, and effectiveness after at least one over wintering period during the Erosion Control Maintenance Period.

Canopy will be determined for a randomly located 200 foot section of WLPZ with a sighting tube with the same procedure developed for enforcement purposes. The road related FPRs are rated for a randomly located 1000 foot segment of road, and the crossing rules are rated for 2 randomly located crossings. The sampling and evaluation procedures are similar to those developed for the HMP program, allowing data from the MCR process to complement that collected in the HMP. Several suggestions were made for form improvement and continued refinement will occur prior to testing the procedure this spring, summer and fall.

The Garcia River Pilot Cooperative Instream Monitoring Project is nearing completion. Final reports implementing the Instream Monitoring Plan developed earlier have been finished and submitted. Most of the work was completed on stream reaches in 12 tributaries in the Garcia. Work completed on large woody debris (LWD) loading in the Garcia suggests that it is in the same range as for other second-growth drainages in the redwood/Douglas-fir region. Standpipe permeability measurements in stream gravels showed that on average for the various tributaries, permeabilities were in the lower portion of the moderate range. Hillslope evaluations of source areas for visible sediment entry points revealed that most were from road and crossing related gullies and landslides. Spawning surveys reported no coho carcasses or live fish, but moderate numbers for steelhead redds and live fish. Water temperature data showed distinct zonation patterns—with cool temperatures near the coast, and temperatures often exceeding general guidelines for salmonids inland—sometimes despite relatively good canopy cover. Shade measurements with a Solar Pathfinder showed that on average, about 71% of the July incoming solar radiation is blocked by vegetation and topographic features. Currently a final report is being developed by the Mendocino County RCD—CDF's contractor for the project.

CDF is attempting to develop a second cooperative watershed monitoring project for the Noyo watershed. We have met with Dr. Jeff Mount, Professor of Geology at UC Davis, and he has expressed an interest in undertaking the project. If this project goes forward, it will be designed so that if the Resources Agency budget change proposal survives wins

approval in the legislature, this project will be compatible with inter-agency watershed assessment/monitoring efforts in the Noyo.

The next meeting of the MSG is scheduled for April 18<sup>th</sup>, 10:00 a.m., at Howard Forest.

*(This report was submitted by Pete Cafferata, Forest Hydrologist, California Department of Forestry and Fire Protection, Sacramento. For further information on the Monitoring Study Group, he can be reached at: (916) 653-9455)*

## NOTICE

# Examination For Registration of Professional Foresters

**FRIDAY, OCTOBER 20, 2000 - 8:00 A.M.**

Eureka, Redding, Sacramento, Santa Rosa and Riverside are set locations, and other locations will be set up as the need indicates.

**DEADLINE FOR FILING                      AUGUST 4, 2000**

**SCOPE OF THE EXAMINATION** The examination will test the applicant's understanding of the significant concepts in the working knowledge of 1) Forest Economics, 2) Forest Protection, 3) Silviculture, 4) Forest Management 5) Forest Engineering, 6) Forest Administration, 7) Forest Ecology, 8) Forest Mensuration, 9) Forest Policy, 10) Short Answer.

**EXAMINATION PROCEDURE** The examination will consist of two parts, each three and a half hours in length. The first part will run from 8:30 a.m. until 12:00 noon, and the second part will run from 1:00 p.m. until 4:30 p.m. on OCTOBER 20, 2000.

In the morning, the applicant will be required to answer a short answer segment and two out of four essay questions. In the afternoon, the applicant will be required to answer three out of five essay questions. No extra credit will be granted for answering extra questions.

An average grade of 75% or more will be necessary for a passing grade.

Pocket calculators and a pen with black ink will be permitted. No other materials or aids will be allowed in the examination room.

**Note:** The application fee is \$200.00 and non-refundable.

## 2. 2000 to Date THP Summary

### TIMBER HARVESTING INFORMATION THROUGH APRIL 2000

*Note:* This information is for THPs, Exemptions, and Emergencies submitted to the Department during a calendar year. The numbers are the cumulative totals for the calendar year as of the specified date.

	Santa Rosa		Redding		Riverside		Fresno		Total	
YEAR COMPARISON	00	99	00	99	00	99	00	99	00	99
THPS RECEIVED	157	147	70	80	0	0	29	17	256	244
PREHARVEST INSPECTIONS	95	70	62	52	0	0	19	8	176	130
THPS NOT FILED (RETURNED)	62	68	11	5	0	0	10	1	83	74
THPS WITH NON-CONCURRENCES	1	0	0	0	0	0	0	0	1	0
THPS APPROVED	93	92	42	57	0	0	16	16	151	165
THPS DENIED	0	0	0	0	0	0	0	0	0	0
ACREAGE IN APPROVED THPS	10,574	11,037	14,747	20,016	0	0	5,876	2,222	31,197	33,375
EMERGENCY NOTICES	2	0	83	9	0	0	6	1	91	10
EXEMPTION NOTICES	287	210	660	395	12	0	182	129	1,141	734
NONINDUSTRIAL TMPS RECEIVED	21	16	4	2	0	0	1	5	26	23
NTMPS RECEIVED ACRES	7,941	10,984	2,755	1,303	0	0	1,441	3,491	12,137	15,778

AREA	EXEMPTIONS <3 ACRE CONVERSION	EXEMPT FIRE HAZARD	OTHER EXEMPTS.
Santa Rosa	43	155	89
Redding	70	251	339
Fresno	22	96	64
Riverside	5	0	7

### 3. 1999 Fire Season Summary

## **CDF 1999 Fire Season Summary**

California Department of Forestry and Fire Protection (CDF)

	<u>Fires (CDF jurisdiction)</u>	<u>Acres (CDF jurisdiction)</u>
1999	<b>7,562</b>	<b>285,272</b>
1998	<b>5,227</b>	<b>92,456</b>
5 Yr. Avg. (1994-98)	<b>6,621</b>	<b>128,972</b>

CDF Fire Suppression Cost: (Summer 99 and Spring 2000)  
Estimate: \$145 million

Dollar Damage Cost (CDF jurisdiction):  
\$134,258,534

Structures Destroyed (CDF jurisdiction):  
1,385

#### Top Five Fires In Acreage Burned (CDF jurisdiction)

<u>Fire</u>	<u>Start</u>	<u>Contained</u>	<u>County</u>	<u>Acres</u>	<u>Structures Destroyed</u>	<u>Cause</u>
Gunn II	9/28	10/6	Tehama	60,390	0	Undetermined
Sixteen	10/16	10/20	Yolo	40,000	2	Arson
Jones	10/16	10/19	Shasta	26,202	954	Undetermined
DeHaven	8/22	8/28	Tehama	17,000	0	Lightning
Willow	8/28	8/29	San Bernardino	21,900	60	Undetermined

#### Top Five Fires In Structures Lost (CDF jurisdiction)

<u>Fire</u>	<u>Start</u>	<u>Contained</u>	<u>County</u>	<u>Acres</u>	<u>Structures Destroyed</u>	<u>Cause</u>
Jones	10/16	10/19	Shasta	26,202	954	Undetermined
Canyon #4	9/26	9/27	Shasta	2,580	230	Vehicle
Pendola	10/16	10/20	Yuba	7,020	76	Lightning
Willow	8/28	8/29	San Bernardino	21,900	60	Undetermined
Lowden	7/2	7/5	Shasta	2,000	23	VMP burn

All CDF Ranger Units were on fire season by June 1, 1999  
and all were off fire season by January 18, 2000.

Fire Safe,  
California!



February 2000  
[www.fire.ca.gov](http://www.fire.ca.gov)

### **III. Federal Issues**

#### **1. Forest Service Proposes Management for Sierra Nevada**

Following a lengthy period of scientific study and input from the public, the Draft Environmental Impact Statement (DEIS) was released on May 5<sup>th</sup> from the agency's Sierra Nevada Framework Project office in Sacramento.

The DEIS examines the environmental effects of possible future management scenarios for the Modoc, Lassen, Plumas, Tahoe, Eldorado, Stanislaus, Sierra, Inyo and Sequoia National Forests, the Lake Tahoe Basin Management Unit and the portion of the Humboldt-Toiyabe national Forest within the Sierra Nevada.

Of the eight alternatives considered, the Forest Service designated Alternative Six and Eight as "preferred". Kent Connaughton, Framework Project manager stated that "While Alternatives Six and Eight both reduce fuels and protect wildlife habitat, Alternative Six has more opportunity to fully implement measures to reduce the fire threat in the Sierra Nevada." Alternative Eight limits fuel reduction until further study of the effects on wildlife habitat.

None of the alternatives provide for a regulated timber supply, meaning the traditional measure of "Allowable Sale Quantity" would not apply. Timber production would be a result of improving forest health and reducing fire danger, and would result mainly from thinning stands of smaller diameter trees. Under five of the seven action alternatives, timber sale offerings on all 11 National Forests would decline in varying degrees from recent levels, which are themselves significantly lower than the levels of the mid-1980's. Alternatives Six and Eight are among the five that would cause a decline.

All seven action alternatives would decrease the amount of timber offered in the Herger-Feinstein Quincy Library Group Pilot Project Area, on the Lassen, Plumas and Tahoe National Forests.

Full details are available in the document, which can be obtained by writing to: USDA Forest Service—CAET; Sierra Nevada Framework Project, P.O. Box 7669, Missoula, MT 59807.

#### **2. ESA Status of West Coast Salmonids**

# Endangered Species Act Status of West Coast Salmonids

Updated: March 29, 2000














Species/ESU Status	(E = Endangered, T = Threatened, mo/vr.)	Next Steps
<b>Pink Salmon</b>	<p>Not Warranted:</p> <p>1) Even-year ESU (10/95) 2) Odd-year ESU (10/95)</p>	> No further action required.
<b>Coho Salmon</b>	<p>Listed:</p> <p>1) Central CA ESU (T - 10/96) 2) Southern OR/Northern CA Coastal ESU (T - 5/97) 3) OR Coast ESU (T - 8/99)</p> <p>Candidates:</p> <p>1) Puget Sound Strait of Georgia ESU (7/95) 2) Lower Columbia River/Southwest WA ESU (7/95)</p> <p>Not Warranted:</p> <p>1) Olympic Peninsula ESU (7/95)</p>	<p>&gt; Complete final 4(d) rule for OR Coast ESU. &gt; Complete listing assessments for candidate ESUs.</p>
<b>Chinook Salmon</b>	<p>Listed:</p> <p>1) Sacramento River Winter-run ESU (E - 1/94) 2) Snake River Fall-run ESU (T - 4/92) 3) Snake River Spring/Summer-run ESU (T - 4/92) 4) Puget Sound ESU (T - 3/98) 5) Lower Columbia River ESU (T - 3/98) 6) Upper Willamette River ESU (T - 3/98) 7) Upper Columbia River Spring-run ESU (E - 3/99) 8) Central Valley Spring-run ESU (T - 9/99) 9) CA Central Valley ESU (T - 9/99)</p> <p>Candidates:</p> <p>1) Central Valley Fall and Late Fall-run ESU (8/99)</p> <p>Not Warranted:</p> <p>1) Upper Klamath-Trinity Rivers ESU (3/98) 2) OR Coast ESU (3/98) 3) WA Coast ESU (3/98) 4) Mid-Columbia River Spring-run ESU (3/98) 5) Upper Columbia River Summer/Fall-run ESU (3/98) 6) Southern OR and Northern CA Coastal ESU (9/99) 7) Deschutes River Summer/Fall-run ESU (9/99)</p>	<p>&gt; Complete final 4(d) rules for threatened ESUs. &gt; Complete listing assessments for candidate ESUs.</p>
<b>Chum Salmon</b>	<p>Listed:</p> <p>1) Hood Canal Summer-run ESU (T - 3/98) 2) Columbia River ESU (T - 3/99)</p> <p>Not Warranted:</p> <p>1) Puget Sound/Strait of Georgia ESU (3/98) 2) Pacific Coast ESU (3/98)</p>	> Complete final 4(d) rules for threatened ESUs.
<b>Sockeye Salmon</b>	<p>Listed:</p> <p>1) Snake River ESU (E - 11/91) 2) Ozeite Lake ESU (T - 3/99)</p> <p>Not Warranted:</p> <p>1) Baker River ESU (3/99) 2) Okanogan River ESU (3/98) 3) Lake Wenatchee ESU (3/98) 4) Quinalt Lake ESU (3/98) 5) Lake Pleasant ESU (3/98)</p>	> Complete final 4(d) rule for Ozeite Lake ESU.
<b>Steelhead</b>	<p>Listed:</p> <p>1) Southern CA ESU (E - 8/97) 2) South-Central CA Coast ESU (T - 8/97) 3) Central CA Coast ESU (T - 8/97) 4) Upper Columbia River ESU (E - 8/97) 5) Snake River Basin ESU (T - 8/97) 6) Lower Columbia River ESU (T - 3/98) 7) CA Central Valley ESU (T - 3/98) 8) Upper Willamette ESU (T - 3/98) 9) Middle Columbia River ESU (T - 3/98)</p> <p>Proposed Listings:</p> <p>1) Northern CA ESU (T - 2/00)</p> <p>Candidates:</p> <p>1) Klamath Mountains Province ESU (3/98) 2) OR Coast ESU (3/98)</p> <p>Not Warranted:</p> <p>1) Southwest WA ESU (8/98) 2) Olympic Peninsula ESU (8/98) 3) Puget Sound ESU (8/98)</p>	<p>&gt; Complete final 4(d) rules for threatened ESUs. &gt; Complete listing assessments for candidate ESUs.</p>
<b>Coastal Cutthroat Trout</b>	<p>Listed:</p> <p>1) Umpqua River ESU (E - 8/96, proposed de-listing 4/99)</p> <p>Proposed Listings:</p> <p>1) Southeastern WA/Columbia River ESU (T - 4/99)</p> <p>Candidates:</p> <p>1) Oregon Coast ESU (4/99)</p> <p>Not Warranted:</p> <p>1) Puget Sound ESU (4/99) 2) Olympic Peninsula ESU (4/99) 3) Upper Willamette River ESU (4/99) 4) Southern OR/CA Coast ESU (4/99)</p>	NOTE: This species is now under the sole jurisdiction of the U.S. Fish and Wildlife Service.

## 3. Endangered Species "Box Score"



# BOX SCORE

Listings and Recovery Plans as of October 31, 1999

GROUP	ENDANGERED		THREATENED		TOTAL LISTINGS	U.S. SPECIES W/ PLANS**
	U.S.	FOREIGN	U.S.	FOREIGN		
 MAMMALS	61	248	8	16	333	49
 BIRDS	74	178	15	6	273	76
 REPTILES	14	65	22	14	115	30
 AMPHIBIANS	9	8	8	1	26	12
 FISHES	69	11	43	0	123	91
 SNAILS	18	1	10	0	29	20
 CLAMS	61	2	8	0	71	45
 CRUSTACEANS	17	0	3	0	20	12
 INSECTS	28	4	9	0	41	27
 ARACHNIDS	5	0	0	0	5	5
ANIMAL SUBTOTAL	356	517	126	37	1,036	367
 FLOWERING PLANTS	550	1	137	0	688	530
 CONIFERS	2	0	1	2	5	2
 FERNS AND OTHERS	26	0	2	0	28	28
PLANT SUBTOTAL	578	1	140	2	721	560
GRAND TOTAL	934	518	266	39	1,757*	927

TOTAL U.S. ENDANGERED: 934 (356 animals, 578 plants)

TOTAL U.S. THREATENED: 266 (126 animals, 140 plants)

TOTAL U.S. LISTED: 1,200 (482 animals\*\*\*, 718 plants)

\*Separate populations of a species listed both as Endangered and Threatened are tallied once, for the endangered population only. Those species are the angelfish, chimpanzee, leopard, Stellar sea lion, gray wolf, piping plover, roseate tern, green sea turtle, saltwater crocodile, and olive ridley sea turtle. For the

purposes of the Endangered Species Act, the term "species" can mean a species, subspecies, or distinct vertebrate population. Several entries also represent entire genera or even families.

\*\*There are 525 approved recovery plans. Some recovery plans cover more than one species, and a few species have separate plans covering different parts of their ranges. Recovery plans are drawn up only for listed species that occur in the United States.

\*\*\*Nine animal species have dual status in the U.S.



## **IV. RPFs and CRMs**

### **1. RPF and CRM Examination Results**

The second RPF/CRM examination of 1999 took place on October 15, 1999. Of the 24 applicants taking the examination, 13 (54%) were successful. One individual was approved as a Certified Rangeland Manager. Congratulations to those who passed! The Board of Forestry and Fire Protection approved the following as Registered Professional Foresters and Certified Rangeland Managers at its January 2000 meeting:

Marc H. LaCasse	RPF #2668	Gerri Finn	RPF #2669
John S. Davis	RPF #2670	Kenneth J. Margiott	RPF #2671
Paul Harper	RPF #2672	Joseph V. Tapia	RPF #2673
Joseph Culver	RPF #2674	Ryan J. McKillop	RPF #2675
Thomas Kisliuk	RPF #2676	Lynn A. Webb	RPF #2677
Christopher J. Anthony	RPF #2678	Patrick McDaniel	RPF #2679
Thomas W. Frolli	CRM #077		

### **2. 2000-2002 License Renewal Reminder**

Those Registered Professional Foresters with even-numbered licenses will be required to renew those licenses prior to June 30, 2000. Renewal notices for those individuals, as well as for those who must reinstate from withdrawal, will be mailed out in the middle of May. These notices are sent to the official address of record via first class mail. It is the responsibility of each licensee to maintain a current mailing address with Professional Foresters Registration. The return of renewal notices that are undeliverable results in an impact to all foresters in the program in terms of program costs, and may ultimately result in license revocation for failure to renew. A change of address form is found in the appendix of this issue.

Please also note that while there is a one month grace period with respect to late fees, those individuals who fail to renew prior to June 30<sup>th</sup> will not possess a valid license to practice professional forestry effective July 1, 2000.

Those individuals contemplating license withdrawal must make that request prior to June 30<sup>th</sup>. Withdrawal requests may only be granted for individuals who possess a valid license at the time of the request. (14 CCR §1608(a))

## **V. Professional Foresters Examining Committee**

### **1. Disciplinary Actions**

**CASE NUMBER:**

**217**

**RPF:**

**Scott R. J. Feller, RPF 1950  
Crescent City, CA**

**ALLEGATION:**

The complaint alleged that Mr. Feller had committed numerous professional failures relative to the preparation and submission of complete and accurate timber harvesting documents over time. (14 CCR §1104.1 *et seq.*, 14 CCR §919.3 *et seq.*, 14 CCR §1034 *et seq.*, 14 CCR §914.9, 14 CCR §912.9 *et seq.*) As part of this complaint, it was further alleged that Mr. Feller's failure to discover, disclose and provide protection for an established Great Blue Heron rookery, located within a less than three acre conversion exemption (14 CCR §1104.1(a)), constituted professional failure. (14 CCR §919.3)

Mr. Feller was offered, and declined to enter into, a stipulated agreement in resolution of this case.

On September 3, 1998 the Executive Officer, Foresters Licensing filed a formal accusation with the Office of Administrative Hearings requesting the matter be heard by an Administrative Law Judge on behalf of the Board of Forestry and Fire Protection. The accusation asserted that Mr. Feller had committed acts of deceit, misrepresentation, material misstatement of fact, incompetence and/or gross negligence in his practice as a Registered Professional Forester. Specifically cited were his failures to flag a Class II watercourse despite his certification to the contrary on the submitted exemption form, and his failure to discover, disclose and protect the Great Blue Heron Rookery. Also cited was his failure to adequately address watercourses, wet areas and areas exceeding 50% which led without flattening to a Class II watercourse, on three Timber Harvesting Plans. And his failure to completely disclose all past projects related to cumulative impacts analysis.

On January 6, 1999, the Executive Officer, Foresters Licensing filed a first amended accusation with the Office of Administrative Hearings. This amended accusation focused only on Mr. Feller's failures relative to the heron rookery and his failure to flag the Class II WLPZ despite his certification to the contrary.

On January 20-22, 1999, this matter was heard before Administrative Law Judge John D. Wagner in Sacramento. On March 4, 1999, Judge Wagner submitted his proposed decision to the Board of Forestry and Fire Protection for potential adoption. Due to a lack of quorum, the Board was unable to review the proposed decision until June 1999. On June 7, 1999, the Board voted in closed session not to adopt the proposed decision of Judge Wagner. (GC §11517(d)(l)) The Board considered the entire record of the case during closed session at its regular meetings held on July 6, 1999, August 3, 1999, and August 31, 1999. This record

consisted of the proposed decision of Judge Wagner, the complete hearing transcript, and additional arguments submitted by both Mr. Feller's attorneys and the Deputy Attorney General.

On September 1, 1999, the Board of Forestry and Fire Protection issued its factual findings, conclusions and order relative to Professional Foresters Registration Case No. 217. The Board found that Mr. Feller committed acts of misrepresentation and material misstatement of fact relative to his certification that the Class II watercourse had been flagged prior to the submission of the exemption to CDF. It additionally found that Mr. Feller had been grossly negligent in his failure to provide for the identification and protection of the Great Blue Heron nests.

On October 26, 1999 attorneys for Mr. Feller filed a Petition for Peremptory Writ of Mandamus and Stay Pending Appeal of the Board's decision with the Superior Court of the State of California, County of Sacramento. On March 10, 2000, this matter was heard before Judge Lloyd Connelly in Department One of Superior Court in Sacramento. Following the conclusion of arguments, the judge issued a decision from the bench which included the following:

1. He did not find for Mr. Feller relative to his argument that the Board acted improperly, in violation of the Administrative Procedures Act, relative to the timeline for action on the proposed decision rendered by the Office of Administrative Hearings.
2. He did not find for Mr. Feller relative to his argument that he had in fact flagged the Class II watercourse. Based on this, Judge Connolly determined that Mr. Feller was guilty of misrepresentation.
3. He did not find for Mr. Feller relative to his argument that there was no evidence of the existence of a Great Blue Heron rookery within the exemption. As such, Judge Connolly determined that Mr. Feller had been grossly negligent.

As a result of these findings, the court did not grant Mr. Feller's request for a Writ of Mandamus directing the Board of Forestry and Fire Protection to vacate and set aside its decision of September 1, 1999. Additionally, the court dissolved the stay granted until this matter had been heard. As a result, the Board implemented its Order of September 1, 1999, effective April 17, 2000, to wit:

#### **DISCIPLINE:**

Mr. Feller's license to practice forestry as a professional was suspended for a period of twelve (12) months, with **six (6) months of actual suspension** and the remaining six (6) months stayed during a probationary period of nine (9) months making the total term of the Board order fifteen months. As a condition of probation, Mr. Feller shall also:

- Obey all laws and regulations relating to the professional practice of forestry, and
- Submit a complete list of all client names, addresses, and phone numbers with who a current forestry relationship exists within ten (10) days of the effective date of the Board's order, and
- During the period of actual suspension, forestry services to current clients shall be controlled and supervised by a currently Registered Professional Forester, and

- Notify the Board within ten (10) days of any new forestry contractual or employment relationship names, addresses and phone numbers over the duration of the probationary period, and
- Implement a continuing education program leading to the successful completion of forty (40) hours of Category One Continued Forestry Education as certified by the Society of American Foresters prior to full reinstatement, provided the Society of American Foresters has certified forty (40) hours prior to the ending of the probationary period, and
- Demonstrate to the Board that, during the period of probation, he has retained an independent Registered Professional Forester to perform an office review, prior to submission, of three (3) Timber Harvesting Plans and three (3) Exemptions or Notice of Conversion Exemptions he has prepared. At least two (2) of the written project reports shall also include the results of a filed analysis performed, in his presence, by a wildlife biologist or ornithologist qualified, and approved by the Executive Officer of Foresters Licensing, to identify habitat and nest sites of avian species listed as threatened or endangered under either the California or Federal Endangered Species Act or listed as "Sensitive Species" by the Board of Forestry and Fire Protection. Written reports of each such review shall be made by the independent Registered Professional Forester and biologist or ornithologist to the Executive Officer of Foresters Licensing prior to submittal of the Timber Harvesting Plans and Exemptions to the California Department of Forestry and Fire Protection for filing. The Executive Officer shall, through the Department of Forestry and Fire Protection, verify the accuracy of statements made by Mr. Feller in projects submitted.

**CASE NUMBER:**

**220**

**RPF:**

**Albert E. Cornelius III, RPF 2023  
Mt. Shasta, CA**

**ALLEGATION:**

The complaint alleged that Mr. Cornelius was convicted of felonies substantially related to his practice as a Registered Professional Forester. (14 CCR §1612.1(a)) On December 23, 1998, following a plea of not guilty, Cornelius was found guilty of Perjury (18 USC §1621) and Obstruction of Justice (18 USC §1505) in United States District Court, District of Oregon. These convictions were based on the prior testimony of Mr. Cornelius at a temporary restraining order hearing, wherein Mr. Cornelius failed to truthfully disclose all individuals who were delegated to mark timber under his supervision.

**DISCIPLINE:**

Mr. Cornelius and the State Board of Forestry and Fire Protection have entered into a stipulated agreement wherein Mr. Cornelius admits to felony convictions substantially related to his practice as a Registered Professional Forester. (14 CCR §1612.1(a) & §1613 and PRC §778)

Mitigating circumstances considered by the Board in determining the level of discipline included:

- The fact that Mr. Cornelius was found not guilty of all other charges relating to his duties

as the Registered Professional Forester for the major salvage project at issue in this case, and

- Mr. Cornelius' previous history of good forestry practices and standards, and his numerous contributions to the profession.

Based on the foregoing, Mr. Cornelius' license to practice forestry as a professional was **revoked** pursuant to PRC §775 and 14 CCR §1612.1(a). This revocation is stayed for a period of two (2) years, with **twelve (12) months actual suspension** with the remaining twelve (12) months of revocation stayed (probation) for twelve (12) months after the actual suspension, making the total period of the Board's order twenty-four (24) months. During the total period of the Board's order, Mr. Cornelius agrees to comply with all laws and regulations relating to the professional practice of forestry. In addition, Mr. Cornelius shall complete at least one professional level educational course in the area of ethics related to his professional practice of forestry. If Mr. Cornelius satisfies all requirements of the Board's order, at the end of the period of that order, the Board shall permanently stay the order of revocation specific to this case.

**CASE NUMBER:**

**245**

**RPF:**

**Michael S. Vogel, RPF 1823  
Eureka, CA**

**ALLEGATION:**

The complaint alleged that Mr. Vogel exhibited an ongoing pattern and practice of performing archeological site surveys that were incomplete and/or inaccurate upon submission. (14 CCR §1035.1) The contents of numerous Confidential Archeological Addenda were alleged to be either: incorrect, incomplete, misleading in a material way, or insufficient to properly evaluate the significance of historic and prehistoric archeological sites pursuant to 14 CCR §929, 14 CCR §1035.1 and PRC §21060.5.

**DISCIPLINE:**

Mr. Vogel and the State Board of Forestry and Fire Protection have entered into a stipulated agreement wherein Mr. Vogel admits to the material misstatement of fact in conjunction with the performance of several archeological site surveys and the resulting Confidential Archeological Addenda, as well as a failure of professional responsibility relative to those duties assumed under 14 CCR 1035.1(a).

Based on the foregoing, Mr. Vogel's license to practice forestry as a professional was suspended for a period of ninety (90) days, with **fifteen (15) days actual suspension** and the remaining seventy five (75) days stayed for a probationary period of eleven and one half (11.5) months after actual suspension, making the total period of the Board order twelve (12) months. During the total period of the Board's order, Mr. Vogel agrees to comply with all laws and regulations relating to the professional practice of forestry. In addition, Mr. Vogel shall retain a professional archeologist to supervise, in the field, his performance of three (3) archeological site surveys. This archeologist shall also review the resulting Confidential Archeological Addendum for each survey and submit a written report of this review to the

Board prior to submittal of the CAAs to the California Department of Forestry and Fire Protection. Mr. Vogel shall also successfully complete the one-day archeological training refresher course jointly conducted by the Department of Forestry and Fire Protection and the California Licensed Foresters Association.

**CASE NUMBER:**

**253**

**ALLEGATION:**

The complaint alleged that the RPF entered into a contract to prepare a THP to remove green and dead and dying timber in a timely manner and failed to perform this function. Potentially actionable failures within this complaint included: (1) the failure to properly establish a timber harvesting boundary which resulted in timber trespass (14 CCR §1034(a), §1034(b), §1034(g) and 1034(x)(1)), (2) failure to fulfill professional tasks assumed within the THP relative to designating timber (14 CCR §1035.1(a)), and (3) failure to disclose the occurrence, and discuss the significance, of two diverted stream channels within the Cumulative Impacts Analysis portion of the THP (14 CCR §932.9).

**DISCIPLINE:**

The PFEC's investigation and evaluation determined that the RPF had acted prudently with respect to the designation of the timber harvesting boundary line. The location of the flagged line was complicated by the existence of previously marked timber on the adjacent parcel. Despite the efforts of the RPF to cover the markings on the side of the timber that faced the THP area, and notification of the LTO of the existence of this problem by forest practice inspectors, the LTO was determined to be directly responsible for this trespass. At the time of the trespass, the RPF was no longer retained by the landowner and had no knowledge of the start-up of operations by a different LTO. Relative to the issue of RPF responsibility, it was determined that the RPF had acted in a timely manner to mark the timber consistent with the harvesting system proposed and approved by both the landowner and the Department of Forestry and Fire Protection. Limitations of weather and the availability of LTOs were seen as factors that delayed both the marking and removal of the designated timber. The RPF had no contractual responsibilities relative to the procurement of an LTO or operations scheduling or supervision. Relative to the final alleged failure, it could not be substantiated that the RPF had failed in a material way to disclose the existence of the diverted stream channels. It could not be substantiated that there were two diverted channels based on interviews with agency representatives who attended the preharvest inspections and submitted subsequent reports.

As a result, it was the recommendation of the PFEC that the RPF be **exonerated** relative to the allegations filed.

**CASE NUMBER:**

**258**

**RPF:**

**Harvey A. Striplin, Jr., RPF 741  
Roseville, CA**

**ALLEGATION:**

The complaint alleged that Mr. Striplin failed to accurately disclose the location of a proposed tractor skid road located within the WLPZ of a Class I watercourse. (14 CCR §956.3(c), 14 CCR §956.4(d) and 14 CCR §1035.1) It was further alleged that Mr. Striplin's failure to adequately and correctly flag this Watercourse and Lake Protection Zone resulted in tractor operations within seventy five feet of the transition line. (14 CCR 956.5) Following review of the case by the PFEC, Mr. Striplin was offered, and declined, the opportunity to resolve this matter by way of a stipulated agreement.

**DISCIPLINE:**

On June 4, 1999, the State Board of Forestry and Fire Protection filed a formal accusation with the Office of Administrative Hearings requesting the matter be heard before an Administrative Law Judge. Following hearings on October 5, 1999 and February 15, 2000, the Board considered the proposed decision submitted by Administrative Law Judge Catherine B. Frink in closed session on April 4, 2000. The proposed decision contained the factual finding that Mr. Striplin made several misrepresentations and/or material misstatements of fact in association with his preparation of the subject timber harvesting plan. In determining the severity of proposed discipline, Judge Frink and the Board took into account three lesser disciplinary actions against Mr. Striplin's license over the past 12 years for similar failures. The board voted to adopt the proposed decision with an effective date of April 12, 2000.

Based on the foregoing, Mr. Striplin's license to practice forestry as a professional was suspended for a period of one hundred eighty (180) days, with **ninety (90) days actual suspension** and the remaining ninety (90) days stayed for a probationary period of twenty one (21) months after actual suspension, making the total period of the Board order twenty four (24) months. During the total period of the Board's order, Mr. Striplin agrees to comply with all laws and regulations relating to the professional practice of forestry. During the period of probation Mr. Striplin must practice under the supervision of an RPF, as approved by the Board, and this RPF shall review Mr. Striplin's first three timber harvesting plans following the completion of actual suspension. Written reports of these reviews shall be submitted to the PFEC prior to submission of the harvesting document to the Department of Forestry and Fire Protection. In the event that ongoing problems are discovered, the PFEC may require further written reviews as deemed necessary.

**CASE NUMBER:**

**261**

**RPF:**

**Glenn T. Edwards, RPF 2363  
Ukiah, CA**

**ALLEGATION:**

The complaint alleged that Mr. Edwards exhibited an ongoing pattern of preparing Timber Harvesting Plans (THP) that were incomplete and/or inaccurate upon submission. (14 CCR §1035.1) The contents of numerous THPs were alleged to be either: incorrect, incomplete, misleading in a material way, or insufficient to properly evaluate significant environmental effects pursuant to 14 CCR §1035.1 and §1034. Additionally, it was alleged that Mr. Edwards failed to adequately supervise the operations of the designated LTO on THP 1-97-332 SON. Within the body of the THP document, Mr. Edwards explicitly assumed responsibility for the oversight of timber operations (14 CCR 1035.1(a)). This failure resulted in unauthorized operations within a WLPZ, the removal of timber outside of the Plan boundary, and alleged threats to public safety due to insufficient and improper road maintenance

**DISCIPLINE:**

Mr. Edwards and the Board have entered into a stipulated agreement wherein Mr. Edwards admits to gross negligence and the material misstatement of fact in conjunction with numerous THP submissions, as well as a failure of professional responsibility relative to those duties assumed under 14 CCR 1035.1(a).

Based on the foregoing, Mr. Edwards' license to practice forestry as a professional was suspended for a period of six (6) months, with **thirty (30) days actual suspension** and the remaining five (5) months stayed (probation) for seventeen (17) months after actual suspension, making the total period of the Board order eighteen (18) months. During the total period of the Board's order, Mr. Edwards agrees to comply with all laws and regulations relating to the professional practice of forestry. In addition, Mr. Edwards shall retain an independent RPF to perform an office review of three (3) THPs which Mr. Edwards has prepared. Written reports of such reviews shall be submitted to the Board prior to submittal of the THPs to the California Department of Forestry and Fire Protection.

**CASE NUMBER:**

**265**

**ALLEGATION:**

The complaint alleged that the RPF was grossly negligent in supervising harvesting operations for which he assumed supervisory responsibility under the Timber Harvesting Plan (THP). (14 CCR §1035.1(a)) This alleged failure resulted in the cutting and removal of a tree that was purportedly located on a parcel adjacent to the approved Timber Harvesting Plan, and which constituted timber theft.

**DISCIPLINE:**

The PFEC's investigation and evaluation determined that the RPF had acted prudently with respect to locating the common property line between the THP and adjacent parcel. While there were recorded corners at both ends of the line, there was no recorded survey, or monumentation in the field, which established the true property line. As a result, the allegation of timber theft could not be substantiated. The PFEC did however have concerns relative to the RPFs actions in allowing the cutting of the tree in the absence of sufficient



monumentation establishing true ownership. It was determined that while not actionable under grounds for disciplinary action as specified under PRC §778, the RPFs actions did act to confuse the adjacent landowner and fell into the category of a lesser professional failure.

As a result, the PFEC issued a **Confidential Letter of Concern** voicing its belief that the RPF was remiss in failing to establish the true ownership of the tree and/or failing to contact the adjacent landowner in an effort to establish ownership prior to harvesting.

**CASE NUMBER:**

**266**

**RPF:**

**Robert F. Krohn, RPF 1049  
Reedley, CA**

**ALLEGATION:**

The complaint alleged that Mr. Krohn failed to flag and protect two recorded archeological sites, despite numerous declarations to do so within the Confidential Archeological Addendum contained within THP 4-97-99/FRE-6. (14 CCR §969.2) These failures resulted in significant disturbance to a prehistoric site, and the destruction of a historic cabin site. Additionally, it was alleged that Mr. Krohn failed to adequately supervise a designee (LTO) who was delegated by the RPF to mark additional timber within the THP boundary. This failure resulted in a post harvest stand that failed to meet the stocking requirements stated in the THP. (14 CCR §953.2(a)(2)(A)(1) & 14 CCR §953.11(c)(2))

**DISCIPLINE:**

Mr. Krohn and the Board have entered into a stipulated agreement wherein Mr. Krohn admits to gross negligence and the material misstatement(s) of fact in conjunction with archeological site protection and the supervision of an RPF designee.

Based on the foregoing, Mr. Krohn's license to practice forestry as a professional was suspended for a period of six (6) months, with **sixty (60) days actual suspension** and the remaining four (4) months stayed (probation) for ten (10) months after actual suspension, making the total period of the Board order twelve (12) months. During the total period of the Board's order, Mr. Krohn agrees to comply with all laws and regulations relating to the professional practice of forestry. In addition, Mr. Krohn shall prepare three (3) post-harvest stocking reports pursuant to 14 CCR §1072(a),(b), or (c), including one report which shall survey a post-harvest timber stand which is proposed to meet the requirements of 14 CCR §953.1(c)(1)(A) and 14 CCR §953.2(a)(2)(A)(1) upon completion. Written reports of such surveys shall be submitted to the Board prior to submittal to the California Department of Forestry and Fire Protection for verification.

**CASE NUMBER:**

**267**

**ALLEGATION:**

The complaint alleged the practice of professional forestry by unlicensed individual(s) who were employed by a firm retained as a consultant on a land development project. (PRC §766) This alleged practice involved the estimation of total stand numbers, species distributions and density measurements by Certified Arborist(s) within the oak woodland forest type, as documented in a Draft Environmental Impact Report.

**DISCIPLINE:**

Professional Foresters Registration completed its review of the case and determined that the tasks performed by the unlicensed individual(s) constituted the practice of professional forestry as defined under PRC §753. The firm that employed the individual(s) was sent a notice informing them of the Professional Foresters Law (PRC §750 *et seq.*) and the applicability of this law relative to forestry practice within the oak woodland forest type. In a response from the firm's president, it was agreed that the firm will notify all employees and consultants under their control of the licensing requirements and will ensure that they remain in compliance with the Professional Foresters Law in the future.

**CASE NUMBER:**

**269**

**ALLEGATION:**

The complaint alleged that the RPF, in his capacity as an employee of the Department of Forestry and Fire Protection and a RPF, failed to initiate a timely personnel investigation of several Department RPFs. The complainant alleged that this lack of action constituted a professional failure actionable under the Professional Foresters Law (PRF §750 *et seq.*) under the grounds of gross negligence and deceit. (PRC §778(b))

**DISCIPLINE:**

The PFEC's investigation and evaluation did not determine if the RPF's actions were grossly negligent or deceitful within the context of his employment with the Department. However, the PFEC did determine that those alleged actions did not, in and of themselves, constitute the practice of professional forestry as defined in law.

As a result, it was the recommendation of the PFEC that the RPF be **exonerated** relative to the allegations filed.

**CASE NUMBER:**

**270**

**Allegation:**

The complaint alleged that the RPF, in his capacity as an employee of the Department of Forestry and Fire Protection and a RPF, failed to truthfully disclose the status of several personnel complaints filed by the complainant against Department RPFs. The complainant alleged that this lack of action constituted a professional failure actionable under the Professional Foresters Law (PRF §750 *et seq.*) under the grounds of deceit. (PRC §778(b))

**Discipline:**

The PFEC's investigation and evaluation did not determine if the RPF's actions were deceitful within the context of his employment with the Department. However, the PFEC did determine that those alleged actions did not, in and of themselves, constitute the practice of professional forestry as defined in law.

As a result, it was the recommendation of the PFEC that the RPF be **exonerated** relative to the allegations filed.

**CASE NUMBER:****271****ALLEGATION:**

The complaint alleged that the RPF, in his capacity as an employee of the Department of Forestry and Fire Protection and a RPF, failed to truthfully disclose any policies or guidelines which clarified the applicability of the exemption process to new home construction. (14 CCR §1038(d)) It was further alleged that the RPF's complicity with other Department employees acted to suppress and violate the rights of the complainant. The complainant alleged that these actions constituted a professional failure actionable under the Professional Foresters Law (PRF §750 *et seq.*) under the grounds of deceit and fraud. (PRC §778(b))

**DISCIPLINE:**

The PFEC's investigation and evaluation did not determine if the RPF's actions were deceitful or fraudulent within the context of his employment with the Department. However, the PFEC did determine that those alleged actions did not, in and of themselves, constitute the practice of professional forestry as defined in law.

As a result, it was the recommendation of the PFEC that the RPF be **exonerated** relative to the allegations filed.

**CASE NUMBER:****272**

**ALLEGATION:**

The complaint alleged that the RPF, in his capacity as an employee of the Department of Forestry and Fire Protection and a RPF, failed to truthfully disclose any policies or guidelines which clarified the applicability of the exemption process to new home construction. (14 CCR §1038(d)) It was further alleged that the RPF's complicity with other Department employees acted to suppress and violate the rights of the complainant, and that the RPF falsely disclosed information relative to the Firesafe exemption. The complainant alleged that these actions constituted a professional failure actionable under the Professional Foresters Law (PRF §750 *et seq.*) under the grounds of deceit, fraud and misrepresentation. (PRC §778(b))

**DISCIPLINE:**

The PFEC's investigation and evaluation did not determine if the RPF's actions were deceitful, fraudulent or constituted a misrepresentation within the context of his employment with the Department. However, the PFEC did determine that those alleged actions did not, in and of themselves, constitute the practice of professional forestry as defined in law.

As a result, it was the recommendation of the PFEC that the RPF be **exonerated** relative to the allegations filed.

**CASE NUMBER:**

**273**

**ALLEGATION:**

The complaint alleged that the RPF, in his capacity as an employee of the Department of Forestry and Fire Protection and a RPF, failed to delete evidence of a "record of past nonconformance", which he knew to be false, from a pending criminal complaint. The complainant alleged that this action constituted a professional failure actionable under the Professional Foresters Law (PRF §750 *et seq.*) under the grounds of fraud and material misstatement of fact. (PRC §778(b))

**DISCIPLINE:**

The PFEC's investigation and evaluation did not determine if the RPF's actions were fraudulent or constituted a material misstatement of fact within the context of his employment with the Department. However, the PFEC did determine that those alleged actions did not, in and of themselves, constitute the practice of professional forestry as defined in law.

As a result, it was the recommendation of the PFEC that the RPF be **exonerated** relative to the allegations filed.

**CASE NUMBER:**

**274**

**ALLEGATION:**

The complaint alleged that the RPF, in his capacity as an employee of the Department of Forestry and Fire Protection and a RPF, failed on numerous occasions to rectify illegal and/or incorrect actions of subordinate RPFs within the Department. The complainant alleged that this lack of action constituted professional failure actionable under the Professional Foresters Law (PRF §750 *et seq.*) under the grounds of fraud, deceit, gross negligence, misrepresentation and material misstatement of fact. (PRC §778(b))

**DISCIPLINE:**

The PFEC's investigation and evaluation did not determine if the RPF's actions were fraudulent, deceitful, grossly negligent or constituted misrepresentation or the material misstatement of fact within the context of his employment with the Department. However, the PFEC did determine that those alleged actions did not, in and of themselves, constitute the practice of professional forestry as defined in law.

As a result, it was the recommendation of the PFEC that the RPF be **exonerated** relative to the allegations filed.

**CASE NUMBER:**

**275**

**ALLEGATION:**

The complaint alleged that the RPF, in his capacity as an employee of the Department of Forestry and Fire Protection and a RPF, failed on numerous occasions to correctly interpret and implement the California Forest Practice Rules as they apply to harvesting operations.

The complainant alleged that these actions constituted professional failures actionable under the Professional Foresters Law (PRF §750 *et seq.*) under the grounds of fraud, deceit, gross negligence, misrepresentation and material misstatement of fact. (PRC §778(b))

**DISCIPLINE:**

The PFEC's investigation and evaluation did not determine if the RPF's actions were fraudulent, deceitful, grossly negligent or constituted misrepresentation or the material misstatement of fact within the context of his employment with the Department. However, the PFEC did determine that those alleged actions did not, in and of themselves, constitute the practice of professional forestry as defined in law.

As a result, it was the recommendation of the PFEC that the RPF be **exonerated** relative to the allegations filed.

**2. Board Approves Modifications of Licensing Rules**

On May 1<sup>st</sup>, following a 45-day public comment period and public hearing, the Board approved modifications to 14 CCR §1612.2–Notification of Disciplinary Action. The Board received no oral or written comments. In its current form, this regulation addresses the

process by which RPFs who have been subject to license suspension or revocation must notify those clients “with whom a current contractual or employment relationship exists.” The approved modifications will expand the notification process to address the level of disclosure the general public will receive as the result of any form of disciplinary action. In early 1998, the Board directed the Professional Foresters Examining Committee (PFEC) to evaluate and suggest regulatory changes to improve the consistency and clarity the disciplinary process, including public notification. Following the approval of modifications to 14 CCR §1612.1-Disciplinary Guidelines last year, this approved modification proposed by the PFEC completes this task.

The existing portions of this regulation which address notification of clients by RPFs who have been subject to suspension or revocation remains unchanged. Public notification for discipline resulting in (1) exoneration, (2) a PFEC Confidential Letter of Concern, or (3) a Private Board Reprimand also remains unchanged from the existing Board Policy No. 4 for Professional Foresters. This action of the Board simply places this process in regulation as opposed to policy. In those cases, the RPF’s name will not be disclosed. Those items which are subject to public disclosure include the case number, the allegation(s), authority for the Board’s action and the action taken including a *general* summary of the facts of the case. This information will be published in *Licensing News*.

Public notification for discipline resulting in suspension or revocation also remains unchanged from the current Board Policy. Again, this is simply a change from policy to regulatory language. In these cases the RPF’s name will be disclosed, as well as the case number, license number, city of residence at the time of notice, the allegation(s), authority for the Board’s action and the action taken including a *specific* summary of the facts of the case. This information will be noticed in *Licensing News*, the *Daily Recorder*, Board minutes, and announced in open session of the Board following approval.

The approved modifications also provide that the Board may provide a public media release under either of the following circumstances:

1. If suspension or revocation is based on the following causes:
  - Conviction of a felony substantially related to the practice of professional forestry
  - Fraud
  - Deceit
  - Gross Negligence
  - Incompetence
2. If the PFEC has recommended a suspension or revocation greater than 30 days for any cause under 14 CCR §1612.1.

Additionally, the media release shall be in a form approved by the Board and contain all information required for suspension or revocation and shall be submitted to a newspaper of general circulation in the county or counties where the infraction(s) occurred.

These modifications have been submitted to the Office of Administrative Law for final approval. Unlike Forest Practice Rule modifications, these changes will become effective 30 days following filing with the Secretary of State. The Board approved text of this modification may be found in the back of this issue.

## VI. ANNOUNCEMENTS

### Request for Nominations:

## 2001 FRANCIS H. RAYMOND AWARD

The California State Board of Forestry and Fire Protection is seeking nominations for the **2001 Francis H. Raymond Award**. The annual award is given to the individual, organization, agency or company who has contributed the most to the management and increased awareness of California's forested resources over the past five years.

The award is named in honor of Francis H. Raymond, former State Forester and leading advocate of the passage of Assembly Bill 469 in 1972, which resulted in the Professional Foresters Licensing Law.

The 2000 Award was presented to Mr. Ronald Adams of Cameron Park, California and Mr. Sherman Finch of Davis, California. These co-recipients were recognized for their efforts in maintaining and improving the Forestry Center at Cal Expo. Their efforts in demonstrating the concepts of forestry and forest management to over 500,000 visitors annually during the California State Fair constitutes a significant achievement in raising the awareness of the general public relative to the practice of professional forestry in California. This effort is enhanced by the tours of the Center which they conduct every spring for fourth grade students from throughout the Sacramento area.

Previous recipients of the Award include: the Quincy Library Group, Frank Barron of Crane Mills, Tad Mason of Pacific Wood Fuels, the late Gil Murray of the California Forestry Association, Kay Antunez of the Project Learning Tree program, Gary Nakamura of UC Cooperative Extension, Bud McCrary of Big Creek Lumber Company, Andy Lipkis of TreePeople, Norm Pillsbury of Cal Poly San Luis Obispo, John Zivnaska of UC Berkeley, Ray Rice of the US Forest Service, Peter Passof of UC Cooperative Extension, Roseburg Resources Company, the Redwood Region Conservation Council, Jim Jenkinson of the US Forest Service, and Nancy Inmon of the Trees Are For People program.

Nominations are due to the Board of Forestry by **December 15, 2000**, with the selection being made by the nomination review committee the following March, and the Award to be presented at a ceremony in the summer of 2001.

Additional information may be obtained from the **California State Board of Forestry and Fire Protection, P.O. Box 944246, Sacramento, CA 94244-2460**. Contributions to endow the Francis H. Raymond Award are greatly appreciated. The stipend that accompanies this Award depends on the interest earned from donations made to the Francis H. Raymond Fund.

## VII. CONTINUING EDUCATION

DATE	PROGRAM	SPONSOR/LOCATION	CONTACTS
May 17-20	"FORESTRY, THE NEXT GENERATION" – Annual Meeting	Oregon SAF Eugene, OR	Tash Shaheed 541-685-9170

May 18-19	INTRODUCTION TO ARCVIEW GIS APPLICATIONS IN NATURAL RESOURCES	Oregon State University Corvallis, OR	Conference Asst. 541-737-2329
May 18-19	CONFERENCE ON THE ROLE OF WETLANDS IN WATERSHED MGT.	Humboldt State University Arcata, CA	Barbara Smith 707-826-3619
June 2	STREAM BIOLOGICAL MONITORING	UC Berkeley Extension Berkeley, CA	510-642-4111
June 5	INTEGRATED PROBLEM SOLVING FOR NATURAL RESOURCES PROFESSIONALS	OSU/UW/WSU Eatonville, WA	Conference Asst. 541-737-2329
June 6	ARCHEOLOGICAL TRAINING RECERTIFICATION COURSE #65R	CA Dept. of Forestry and Fire Protection / CA Licensed Foresters Assn. Booneville, CA	Hazel Jackson 209-293-7323
June 7-9	ARCHEOLOGICAL TRAINING 3 DAY COURSE #66	CA Dept. of Forestry and Fire Protection / CA Licensed Foresters Assn. Ukiah, CA	Hazel Jackson 209-293-7323
June 12	VARIABLE PROBABILITY SAMPLING	Western Forestry & Conservation Association	503-226-4562
June 18	FORESTRY INSTITUTE FOR TEACHERS	NorCal SAF Shasta County, CA	707-467-0600
July 9	WATERSHED 2000	Water Environmental Federation Vancouver, BC, Canada	800-666-0206
July 11-13	USING APPLIED GROWTH AND YIELD MODELS FOR FOREST LAND PLANNING	Western Forestry & Conservation Association	Freida 888-722-9416
July 16	FORESTRY INSTITUTE FOR TEACHERS	NorCal SAF Humboldt County, CA	707-467-0600
July 25	SUMMER WEED TOUR	CA Forest Pest Council Lake Almanor, CA	Ed Fredrickson 530-365-7669
July 27-29	SUMMER FIELD MEETING	CA Forest Soils Council Butte County, CA	Dean Burkett 530-343-2731
July 28-29	SUMMER MEETING	NorCal SAF Scotia, CA	Barry Dobosh 707-764-4307
August 22	ARCHEOLOGICAL TRAINING	CA Dept. of Forestry and	Hazel Jackson



	RECERTIFICATION COURSE #67R	Fire Protection / CA Licensed Foresters Assn. Weed, CA	209-293-7323
August 23-25	ARCHEOLOGICAL TRAINING 3 DAY COURSE #68	CA Dept. of Forestry and Fire Protection / CA Licensed Foresters Assn. Weed, CA	Hazel Jackson 209-293-7323
September 6-8	CUMULATIVE WATERSHED EFFECTS	University of California Sacramento, CA	Joni Rippee 510-642-0095
October 3-5	ARCHEOLOGICAL TRAINING 3 DAY COURSE #69	CA Dept. of Forestry and Fire Protection / CA Licensed Foresters Assn. Redding, CA	Hazel Jackson 209-293-7323
October 6	ARCHEOLOGICAL TRAINING RECERTIFICATION COURSE #70R	CA Dept. of Forestry and Fire Protection / CA Licensed Foresters Assn. Weed, CA	Hazel Jackson 209-293-7323
October 26-27	CLFA FALL WORKSHOP Topic TBA	California Licensed Foresters Association Sacramento, CA	Hazel Jackson 209-293-7323
November 16-20	NATIONAL CONVENTION	SAF Washington, D.C.	301-897-8720
November 27	MANAGING WATERSHEDS IN THE NEW CENTURY	Watershed Management Council Monterey, CA	Rick Kattelmann 760-935-4903
December 1	ANNUAL RPF EXAMINATION PREPARATION SEMINAR	California Licensed Foresters Association Sacramento, CA	Hazel Jackson 209-293-7323
December 3	WESTERN FORESTRY CONFERENCE	Western Forestry & Conservation Association	Freida 888-722-9416

## VIII. APPENDIX

### 1. Notification of Change of Address

During the license renewal period, Professional Foresters Registration becomes aware of many individuals who have failed to change their mailing addresses following a move. Per 14 CCR §1606: "...holders of a certificate of registration and license, shall notify the Board in writing at its Sacramento office **within ten days** of any address changes, giving both the

new and old address.”

The failure to maintain a correct mailing address results in returned mail and additional costs which must be borne by all RPFs. Additionally, if the upcoming renewal notices and withdrawal reinstatement notifications are undeliverable, there is the potential for license revocation by the Board based on a failure to renew.

If you have moved, and have not done so yet, please fill out and return the change of address form below.

-----  
Name:

RPF#:

**New Address (HOME):**

Street:

City:

County:

State:

Zip:

Phone:

**New Address (WORK):**

Street:

City:

County:

State:

Zip:

Phone:

**Former Address (HOME):**

Street:

City:

County:

State:

Zip:

Phone:

Preferred Mailing Address: (circle one)      Home      Work

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**2. Proposed 14 CCR §1612.2 Modifications**

**BOARD APPROVED RULE MODIFICATIONS**

**Amend §1612.2 Notification of Disciplinary Action**

(a) Conditions of staying an order which suspends or revokes a license on any of the grounds for disciplinary action specified in Section 777, Public resources Code, shall require:

(1)(a) Respondent to submit to the Board, not later than thirty (30) days after the decision becomes effective, a complete list of all business and/or client names, addresses, and phone numbers with whom a current contractual or employment relationship exists. Furthermore, respondent shall notify the Board within ten (10) days of any new contractual or employment relationships over the duration of the stayed order. This information may be used to aid the Board in monitoring the performance of respondent over the period of the stayed order.

(2)(b) Board to notify each business and/or client name submitted, or at its option require respondent to notify with Board approved language and proof of notification, of the offense(s), findings and discipline imposed.  
(b) The Board shall provide public notice of disciplinary actions. The Board shall comply with the following standards when providing public notice:

(1) When the RPF is exonerated, their name and the specifics of the cases will not be made public. A summary of the case will be noticed in "Licensing News", and will include the following:

(A) Case number.

(B) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.

(C) Authority: citations of applicable statutory and regulatory sections.

(D) Action: announcement of the exoneration and a general summary of the facts of the case.

(2) When disciplinary action results in the issuance of a PFEC Letter of Concern or Private Board Reprimand, the name of the RPF and specifics of the case will not be made public. A summary of the case will be noticed in "Licensing News", and will include the following:

(A) Case number.

(B) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.

(C) Authority: citations of applicable statutory and regulatory sections.

(D) Action: announcement of the disciplinary action taken and a general summary of the facts of the case.

(3) When disciplinary action results in license suspension or revocation, the name of the RPF and the specifics of the case will be made public. A summary of the case will be noticed in the "Daily Recorder", "Licensing News", the meeting minutes of the Board, and announced in open session of the Board meeting at which the discipline was approved. These notices will include the following:

(A) Case number.

(B) RPF name and license number.

(C) City of business at the time of notice.

(D) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.

(E) Authority: citations of applicable statutory and regulatory sections.

(F) Action: announcement of the disciplinary action taken and a specific summary of the facts of the case.

(4) The information summarized in "Licensing News" under (b)(1), (b)(2), and (b)(3) above shall be available upon request to the public.

(c) The Board may provide notice to the news media of disciplinary actions. The Board shall comply with the following standards when providing notice to the media.

(1) Media releases shall occur in all instances when disciplinary action results in the following:

(A) Suspension or revocation based on any of the following cause(s):

(i) conviction of a felony as defined in Section 778(a) and governed by Section 778.5 of the Public Resources Code.

(ii) fraud.

(iii) deceit.

(iv) gross negligence.

(v) incompetence.

(B) The PFEC has recommended revocation or a suspension greater than 30 days

for any cause under 14 CCR §1612.1.

(2) The media release shall be approved by the by the Board, and shall contain all information cited in subsection (b)(3).

(3) The media release shall be submitted to a newspaper of general circulation in the county(ies) where the infraction(s) occurred.

Note: Authority cited: Sections 708, 751, 759, 777 and 778, Public Resources Code. Reference: Sections 708, 730, 751, 759, 775, 776, 777 and 778, Public Resources Code.

### **3. Approved 14 CCR §891 et seq. Modifications**

#### **NON-DISCRETIONARY PROJECTS, 1998**

##### **Final Rule Language**

#### **Amend 895 Abbreviations Applicable Throughout Chapter**

*[locate between "RPF" and "S"; no revision to the authority and reference citations is necessary]*

#### **RWQCB Regional Water Quality Control Board**

Note: Authority cited: Sections 4551, 4551.5 and 21082, Public Resources Code. Reference: Sections 4511, 4512, 4513, 4521.3, 4522, 4522.5, 4523-4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4582 and 21080.5, Public Resources Code.

#### **Amend 895.1 Definitions**

*[by relocating 14 CCR 1080 to 895.1 between "Substantial deviation" and "Supervised Designee"; no revision to authority and reference citations is necessary]*

"Substantially damaged timberlands" means areas of timberland where wildfire, insects,

disease, wind, flood, or other blight caused by an act of God occurs after January 1,

1976 and the damage reduced stocking below the requirements of PRC 4561 or other

higher minimum stocking requirements that may be applicable under Articles 3 and 11 of

Subchapter 4, Article 3 of Subchapter 5, and Articles 3 and 11 of Subchapter 6.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code, CEQA Guidelines

### **Amend 1038 Exemption**

Persons who conduct the following types of timber operations are exempt from the plan preparation and submission requirements (PRC 4581) and from the completion report and stocking report requirements (PRC 4585 and 4587) of the Act:

(a) Harvesting Christmas trees.

(b) Harvesting dead, dying or diseased trees of any size, fuelwood or split products in amounts less than 10 percent of the average volume per acre when the following conditions are met:

(1) No tractor or heavy equipment operations on slopes greater than 50 percent.

(2) No construction of new tractor roads on slopes greater than 40 percent.

(3) Timber operations within any Special Treatment Area, as defined in 14 CCR 895.1,

shall comply with the rules associated with that Special Treatment Area.

(4) No tractor or heavy equipment operations on known slides or unstable areas.

(5) No new road construction or reconstruction, ~~(as defined in 14 CCR 895.1).~~

(6) No heavy equipment operations within the standard width of a watercourse or lake

protection zone, as defined in 14 CCR 916.4 [936.4,956.4](b), except for maintenance of roads and drainage facilities or structures.

(7) No known sites of rare, threatened or endangered plants or animals will be disturbed, threatened or damaged.

(8) No timber operations within the buffer zone of a ~~species of special concern~~ sensitive species, ~~(as defined in 14 CCR 895.1).~~

(9) No timber harvesting within the standard width of ~~in~~ a watercourse or lake protection

zone, as defined in 14 CCR 916.4 [936.4,956.4] (b), except sanitation-salvage

harvesting, as defined in 14 CCR 913.3 [933.3,953.3], where immediately after

completion of operations, the area shall meet the stocking standards of 14 CCR 912.7

[932.7,952.7](b)(2), or, except the removal of dead or dying trees where consistent with

14 CCR 916.4 [936.4,956.4] (b). Trees to be harvested shall be marked by, or under the

supervision of, an RPF prior to timber operations.

(10) No timber operations on any site that satisfies the criteria listed in 895.1 for a significant archaeological or historical site. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

~~The Director may issue exceptions to these conditions if it will not result in significant effect on the environment as defined in 14 CCR Section 1038.~~

~~(c) Timber operations conducted on ownerships of timberland of less than 3 acres (1.214 ha) in size and not part of a larger parcel of timberland in the same ownership.~~

~~(d)~~ The cutting or removal of trees in compliance with sections 4290 and 4291 which

eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuelbreak to reduce fire spread, duration, and intensity.

(1) Only trees within one-hundred-fifty feet from any point of an "approved and legally permitted structure" that complies with the California Building Code may be harvested.

(2) The following silvicultural methods may not be used: clearcutting, seed tree removal step, shelterwood removal step.

(3) All surface fuels created by timber operations under the exemption which could promote the spread of wildfire, including logging slash and debris, deadwood, branches exceeding 1 inch in diameter, and brush, shall be chipped, burned, or removed within 45 days from the start of timber operations.

(4) In addition to the slash treatment described in CCR 1038(d)(3), the areas of timber operations must meet the vegetation treatment standards in PRC 4584(j)(1) to (2)(A) illustrated in Technical Rule Addendum No.4 within one year from the receipt of issuance of Notice of Acceptance.

(5) In addition to the limitations listed in 1038(b)(1)-(10), the following apply:

(A) The timber operator shall provide the Director the tentative commencement date of timber operations on the notice required in 14CCR 1038.2. Within a 15 day period before beginning timber operations, the timber operator shall notify CDF of the actual commencement date for the start of operations. The starting date shall be directed to the designated personnel at the appropriate CDF Ranger Unit Headquarters by telephone or by mail.

(B) Timber operations conducted under this subsection shall conform to applicable city or county general plans, city or county implementing ordinances, and city or county zoning ordinances within which the exemption is located. The timber operator or timberland owner shall certify that the city or county has been contacted and the exemption conforms with all city or county regulatory requirements.

(C) Timber operations may not be conducted without a copy of the Director's notice of acceptance of the exemption at the operating site, except where the Director has failed to act within the 5 working-day review period.

~~(e)~~ The limit of 10 percent of the volume per acre in subsection (b) above does not

apply when harvesting dead trees which are unmerchantable as sawlog-size timber from

substantially damaged timberlands, as defined in 14 CCR 895.1, and the following

conditions of ~~(b) (1)-(10)~~ are met:-

1. Timber operations shall comply with the limits established in 14 CCR 1038(b)(1)-(10).

2. The landowner shall notify the Director of the completion of timber operations within 30 days of their cessation.

3. At least one inspection conducted by the Director shall be made after completion of operations (Section 4604 PRC).

4. The RPF certifies that the timberland is substantially damaged.

(5) The RPF shall also certify that no conditions were identified where operations, conducted in compliance with the rules of the Board, would reasonably result in significant adverse effects.

(e) Operations pursuant to an exemption under subsection (e~~c~~) and (e~~d~~) may not

commence for five working days from the date of the Director's receipt of the exemption unless this delay is waived by the Director, after consultation with other state agencies. The Director shall determine whether the exemption is complete, and if so, shall send a copy of a notice of acceptance to the submitter. If the exemption is not complete and accurate, it shall be returned to the submitter and the timber operator may not proceed. If the Director does not act within five days of receipt of the exemption, timber operations may commence.

~~All of the following shall apply to exemptions submitted under subsection (e).~~

~~The landowner shall notify the Director of the completion of timber operations within 30 days of their cessation.~~

~~At least one inspection conducted by the Director shall be made after completion of operations (Section 4604 PRC).~~

~~The RPF or the Director shall certify that the lands are substantially damaged timberland. The RPF or the Director shall also certify that no conditions were identified where operations, conducted in compliance with the rules of the Board, would reasonably result in significant adverse effects.~~

(f) On parcels of 20 acres or less in size within the Lake Tahoe Basin, that are not part of a larger parcel of land in the same ownership, the removal of dead or dying, (regardless of the definition of "dying trees" in section 895.1, dying means: will be dead within 1 year, based on the judgement of an RPF) trees as marked by an RPF and for which a Tahoe



Basin Tree Removal Permit has been issued, when the following conditions are met:

(1) Tree removal on high erosion hazard lands (Bailey's Land Capability Districts 1a, 1c, or 2 per Land Capability Classification of the Lake Tahoe Basin, California-Nevada: A Guide for Planning by R.G. Bailey, USDA Forest Service, 1974) shall only be conducted using the following methods: helicopter, over-snow where no soil disturbance occurs, hand carry, and use of existing roads.

(2) Tree removal in Stream Environment Zones ("SEZs," Bailey's Land Capability District 1b) shall be permitted as in the preceding section (f)(1). End-lining may also be used provided that soils are dry, all heavy equipment remains outside the SEZ, and site conditions are such that soils or vegetation will not be adversely affected and a discharge of earthen materials to surface waters, SEZs, or 100-year floodplains will not occur.

(3) No tractor or heavy equipment (ground-based) operations on slopes greater than 30% except over-snow operations that result in no soil disturbance.

(4) No heavy equipment operations within the standard width of a watercourse or lake protection zone (WLPZ), as defined in 14 CCR 956.4(b), except for use or maintenance of existing roads, maintenance of drainage facilities or structures, or use of skid crossings approved pursuant to (f)(9) below.

(5) No new road construction or reconstruction, as defined in 14 CCR 895.1.

(6) No tractor or heavy equipment operations on known slides or unstable areas.

(7) No timber harvesting within the standard width of ~~in~~ a watercourse or lake protection zone, as defined in 14 CCR 956.4 (b), except sanitation-salvage harvesting, as defined in 14 CCR 953.3, where immediately after completion of operations, the area shall meet the stocking standards of 14 CCR 952.7(b)(2), or, except the removal of dead or dying trees where consistent with 14 CCR 956.4 (b). Trees to be harvested shall be marked by, or under the supervision of, an RPF prior to timber operations.

(8) All Class III watercourses shall have at least 25-foot WLPZ.

(9) No watercourse crossings of Class I or Class II watercourses except on existing bridges or existing culvert crossings. Any and all crossings proposed for Class III or

Class IV watercourses shall be approved by staff of the Regional Water Quality Control Board (RWQCB) prior to operations.

(10) No known sites of rare, threatened or endangered plants or animals will be disturbed, threatened or damaged.

(11) No timber operations within the buffer zone of a sensitive species, as defined in 14 CCR 895.1.

(12) No timber operations on historical or archaeological sites. Information on some of

these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

(13) The landowner shall allow access to the property for inspections by staff of the Regional Water Quality Control Board (RWQCB).

~~(14) A person conducting timber operations under any exemption as described in 1038(f), shall be limited to one year from the date the Department receives the exemption form. A person shall comply with all operational provisions of the Forest Practice Act and District Forest Rules applicable to "Timber Harvest Plan", "THP", and "plan". A person conducting timber operations under 1038(f) shall, upon agreement between the RPF, or submitter, and the Department, be exempt from a rule where it is justified because an alternative is more feasible and equals or lessens impacts on the environment when compared to application of the existing rule.~~

~~(15) This sSubsection (f) expires December 31, 2000~~ January 1, 2001.

Note: Authority cited: Sections 4551, 4553 and 4584 Public Resources Code. Reference: Sections 4527 and 4584, Public Resources Code. EPIC v California Department of Forestry and Fire Protection and Board of Forestry (1996) 43 Cal. App.4th 1011.

#### **Amend 1038.1 Compliance with Act and Rules**

A person conducting timber operations under any exemption as described in 1038, shall be limited to one year from the date of receipt by the Department, and shall comply with all operational provisions of the Forest Practice Act and District Forest Rules applicable to "Timber Harvest Plan", "THP", and "plan".

~~A person conducting timber operations under exemptions 1038(a), 1038(b) or 1038(c) shall, upon agreement between an RPF, or submitter, and the Department, be exempt from a rule where it is justified because an alternative is more feasible and equals or lessens impacts on the environment when compared to application of the existing rule.~~

In-lieu practices for watercourse and lake protection zones as specified under Article 6 of these rules, exceptions to rules, and alternative practices are not allowed.

Note: Authority cited: Sections 4551 and 4584, Public Resources Code. Reference: Sections 4527 and 4584, Public Resources Code.

## **Amend 1052 Emergency Notice**

~~(a)~~ Before cutting or removing timber on an emergency basis, an RPF on behalf of a timber owner or operator shall submit a Notice of Emergency Timber Operations to the Director, ~~in a~~ on form RM-67 (9/99) as prescribed by the Director. ~~Said notice shall contain a declaration, made under penalty of perjury, that a bona fide emergency exists which requires emergency timber operations.~~ The notice shall include, but not be limited to, the following:

~~(a1)~~ Names and addresses of all timberland owner(s), timber owner(s), and timber operator(s) for the area on which timber will be cut or removed.

~~(b2)~~ A description of the specific conditions that constitute the emergency, its cause, extent and reason for immediate commencement of timber operations.

~~(c3)~~ Legal description of the area from which timber will be cut or removed.

~~(d4)~~ ~~A map of suitable scale~~ A titled USGS (if available) or equivalent topographic map(s) of scale not less than 2" to the mile, or larger scale, showing the area from which timber will be cut or removed, the legal description, roads and Class I, II, III and IV watercourses, and yarding systems if more than one will be used.

~~(e5)~~ Yarding system ~~Harvesting method to be followed~~ used.

~~(f6)~~ The expected dates of commencement and completion of timber operations.

(7) A declaration by the RPF, made under penalty of perjury, that a bona fide emergency exists which requires emergency timber operations.

(8) A declaration by the timber owner, made under penalty of perjury, that any applicable timber yield taxes will be paid pursuant to Section 38115 of the Revenue and Taxation Code.

~~(g9)~~ Name, address, license number, and signature of the RPF who prepares the notice and submits it to the Director on behalf of the timber owner or operator. ~~Timber operations pursuant to an emergency notice shall comply with the rules and regulations~~

~~of the Board, except where, upon agreement between the RPF and the Department, waiver of a rule would better mitigate the causes of a nonfinancial emergency. A person conducting timber operations under an Emergency Notice shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvest Plan", "THP", and "plan".~~

~~Timber operations pursuant to an Emergency Notice may not commence for five working days from the date of the Director's receipt of the Emergency Notice unless such waiting period is waived by the Director. The Director shall determine whether the emergency notice is complete. If it is found to be complete the Director shall send a copy of a notice of acceptance to the timberland owner. If the Emergency Notice is not complete it shall be returned to the~~

~~submitter. If the Director does not act within five working days of receipt of the Emergency Notice, timber operations may commence. Timber operations shall not continue beyond 120 days after the Emergency Notice is accepted by the Director unless a plan is submitted to the Director and found to be in conformance with the rules and regulations of the Board.~~

~~(h10)~~ For Emergency Notices covering three acres or more in size, a Confidential

Archaeological Letter that includes all information required by Section 929.1 [949.1,969.1] (b)(2), (6), (7), (8) and (10), including site records, if required pursuant to 929.1[949.1, 969.1](f). This Confidential Archaeological Letter shall be included with the submittal of the Emergency Notice to the Director. The RPF or supervised designee shall also submit a complete copy of the Confidential Archaeological Letter and two copies of any required archaeological or historical site records, to the appropriate Information Center of the California Historical Resource Information System within 30 days from the date of Emergency Notice submittal to the Director.

(b) Timber operations pursuant to an emergency notice shall comply with the rules and regulations of the Board. A person conducting timber operations under an Emergency Notice shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvest Plan", "THP", and "plan".

(c) In-lieu practices for watercourse and lake protection zones as specified under Article 6 of the rules, exceptions to rules, and alternative practices are not allowed unless necessary to protect public health and safety.

(d) Timber operations pursuant to an Emergency Notice may not commence for five working days from the date of the Director's receipt of the Emergency Notice unless such waiting period is waived by the Director. The Director shall determine whether the emergency notice is complete. If it is found to be complete the Director shall send a copy of a notice of acceptance to the timberland owner. If the Emergency Notice is not complete it shall be returned to the submitter. If the Director does not act within five working days of receipt of the Emergency Notice, timber operations may commence.

(e) Timber operations shall not continue beyond 120 days after the Emergency Notice is accepted by the Director unless a plan is submitted to the Director and found to be in conformance with the rules and regulations of the Board.

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Section 4592, Public Resources Code

### **Amend 1052.1 Emergency Conditions**

The following are conditions that constitute an emergency pursuant to 14 CCR 895.1

"~~Emergency (a)~~":

(a) Trees that are dead or dying as a result of insects, disease, parasites, or animal damage.

(b) Trees that are fallen, damaged, dead or dying as a result of wind, snow, freezing weather, fire, flood, landslide or earthquake.

(c) Trees that are dead or dying as a result of air or water pollution.

(d) Cutting or removing trees required for emergency construction or repair of roads.

The following are conditions that constitute a financial emergency as defined in 14 CCR

895.1 "~~Emergency (b)~~":

Potential financial loss of timber previously inoperable or unmerchantable due to one or more of the following factors: access, location, condition, or timber volume that has unexpectedly become feasible to harvest provided that the harvest opportunity will not be economically feasible for more than 120 days and provided that such operations meet the conditions specified in 1038(b)(1)-(10) and meet minimum stocking requirements at the completion of timber operations.

Note: Authority Cited: Sections 4551, 4552, Public Resources Code.  
Reference: Section 4592, Public Resources Code.

### **Amend 1104.1 Conversion Exemptions**

Timber operations conducted under this subsection shall be exempt from conversion permit and timber harvesting plan requirements of this article. Timber operations shall comply with all other applicable provisions of the Z'berg-Nejedly Forest Practice Act, regulations of the Board and currently effective provisions of county general plans, zoning ordinances and any implementing ordinances. The Notice of Conversion Exemption Timber Operations shall be considered synonymous with the term "plan" as

defined in CCR 895.1 when applying the operational rules and regulations of the Board.

(a) This conversion exemption is applicable to a conversion of timberland to a non-timber use only, of less than three acres in one contiguous ownership, whether or not it is a portion of a larger land parcel and shall not be part of a THP. This conversion exemption may only be used once per contiguous land ownership.

(1) A Notice of Conversion Exemption Timber Operations must be prepared by an RPF.

The notice as submitted to the Director shall contain the following:

(A) the names, addresses, and telephone numbers of the timber owner, owner of the timberland to be converted, RPF, timber operator, and the submitter of the Notice of Conversion Exemption Timber Operations;

(B) legal description of the area where the timber operation is to be conducted, showing section, township, range, county and assessor parcel number;

(C) maps showing the ownership boundaries, the location of the timber operation, boundaries of the conversion, access routes to operation, location and classification of all watercourses, and landing locations;

(D) incorporation of a signed and dated statement from the authorized designee of the County Board of Supervisors stating that the conversion is in conformance with all county regulatory requirements, including county public notice requirements. When counties do not have an authorized designee, the RPF shall certify that the county has been contacted and the conversion is in conformance with county regulatory requirements (this may be incorporated into the notice);

(E) incorporation of a statement by the owner of the timberland to be converted, certifying that this is a one-time conversion to non-timberland use, that there is a "bona fide intent", as defined in CCR 1100(b), to convert and specifying what the new non-timberland use will be after conversion; and

(F) signature of the submitter, timberland owner responsible for the conversion, the timber operator, and the RPF.

(2) The following conditions apply to conversion exemption timber operations:

(A) All timber operations shall be complete within one year from the date of acceptance by the Director.

(B) All conversion activities shall be complete within two years from the date of acceptance by the Director unless under permit by local jurisdiction. Failure to timely complete the conversion shall require compliance with stocking standards of PRC 4561 and stocking report requirements of Forest Practice Act and Board requirements.

(C) The RPF or supervised designee shall visit the site and flag the boundary of the conversion exemption timber

operation and flag any applicable WLPZs and equipment limitation zones.

(D) This section refers to slash and woody debris resulting from timber operations associated with conversion exemptions. The timber operator shall be the responsible party for the treatment of logging slash and woody debris.

Responsibility for treatment of logging slash and woody debris may be assumed by the landowner, provided that the landowner acknowledges in writing to the Director at the time of notice such responsibility and specific slash and woody debris treatment requirements and timing.

1. Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

2. All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.

3. All pine woody debris longer than four feet must receive an initial treatment prior to full

treatment.

4. Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.

5. Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

6. Full slash and woody debris treatment may include any of the following:

- a. burying;
- b. chipping and spreading;
- c. piling and burning; or d. removing slash and woody debris from the site for treatment in compliance with (a)-(b).

Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.

7. Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.

~~8. An RPF may submit, and the Director may accept, an alternative slash and woody debris treatment proposal as part of the conversion exemption, provided that it states:~~

- ~~a. Why the alternative treatment is needed.~~
- ~~b. How the alternative treatment will minimize the use of the resulting logging slash and woody debris as a breeding location by insects associated with the tree species being harvested.~~
- ~~c. How the alternative treatment will not create a greater fire hazard.~~
- ~~d. How the alternative is compatible with the use for which the site will be converted.~~
- ~~e. Clear direction for the licensed timber operator regarding what work is to be performed, and the time frame in which the work is to be completed.~~

~~Unless otherwise agreed to by the Director, a~~All treatment work must be completed prior to the expiration date for the conversion exemption.

~~98.~~ Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.

~~409.~~ This section does not supersede more restrictive treatments or time frames within a Forest district or subdistrict.

(E) Timber operations ~~shall not~~ may be conducted during the winter period, ~~unless the winter period operating plan, or in lieu, practices specified in 14 CCR 914.7, 934.7, and 954.7, have been incorporated into the Notice of Conversion Exemption Timber Operations.~~ Tractor operations in the winter period are allowed under any of the following conditions:

1. During dry, rainless periods where saturated soils conditions, as defined in 14 CCR 895.1, are not present. Erosion control structures shall be installed on all constructed skid trails and tractor roads prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours.
2. When ground conditions in the conversion exemption area and appurtenant roads satisfy the "hard frozen" definition in 14 CCR 895.1.
3. Over-snow operations where no soil disturbance occurs.

(F) No timber operations within a WLPZ unless specifically approved by local permit (e.g. County, City).

(G) The timber operator shall not conduct timber operations until receipt of the Director's notice of acceptance.

Timber operations shall not be conducted without a valid on-site copy of the Director's notice of acceptance of operations and a copy of the Notice of Conversion Exemption Timber Operations as filed with the Director.

(H) No sites of rare, threatened or endangered plants or animals ~~or species of special concern~~ shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1.

(I) No timber operations on significant historical or archeological sites.

(J) The RPF and the timber operator shall meet (on-site, or off-site) if requested by either party to ensure that sensitive on-site conditions and the intent of the conversion regulations such as, but not limited to, slash disposal, will be complied with during the conduct of timber operations.

(3) A neighborhood notification of conversion exemption timber operations shall be posted on the ownership visible to the public by the RPF or supervised designee, at least 5 days prior to the postmark date of submission of the Notice of Conversion



Exemption Timber Operations to the Director. The date of posting shall be shown on the neighborhood notice. In addition, immediately prior to the submission of the exemption to the Director, the landowner shall mail a letter to adjacent landowners within 300 feet of the boundaries of the exemption, and to Native Americans, as defined in 895.1 notifying them of the intent to harvest timber. The mailed letter of notice and the posted notice shall contain the following information on a form prepared by the RPF:

(A) the name, address and telephone number of the timberland owner, the timber operator, the agency of the county responsible for land use changes and the designated representative; if any, and the RPF;

(B) the location of the project, parcel number, street address, section, township and range, and;

(C) A statement explaining that this is a conversion from timberland use to a new land use, what the new land use will be, and that the maximum size is less than three acres.

(4) The Director shall determine if the Notice of Conversion Exemption Timber Operations is complete and accurate within fifteen days from the date of receipt.

(A) If the Notice of Conversion Exemption Timber Operations is not complete and accurate it shall be returned to the submitter identifying the specific information required.

When found complete and accurate, the Director shall immediately send a notice of acceptance of operations to the submitter.

(5) The timberland owner shall, within one month from the completion of conversion exemption timber operations, which includes all slash disposal work, submit a work completion report to the Director.

(b) Construction or maintenance of right-of-way by a public agency on its own or any other public property.

(c) The clearing of trees from timberland by a private or public utility for construction of gas, water, sewer, oil, electric, and communications (transmitted by wire, television, radio, or microwave) rights-of-way, and for maintenance and repair of the utility and right-of-way. The said right-of-way, however, shall not exceed the width specified in the Table of Normal Rights-of-Way Widths for Single Overhead Facilities

and Single Underground Facilities and the supplemental allowable widths, ~~or, if it~~

~~becomes necessary to exceed the normal width and supplemental allowable widths,~~

~~such excess shall be justified to and approved by the Director, or the Board upon~~

~~appeal, before clearing.~~

Nothing in this section shall exclude the applicable provisions of PRC 4292 and 4293, and 14 CCR 1250 through 1258 inclusive for fire hazard clearance from being an allowable supplement to the exempt widths.

(d) TABLE OF RIGHTS-OF-WAY WIDTHS FOR SINGLE OVERHEAD FACILITIES (A single facility for overhead electric lines means a single circuit)

Utility	Size	Width
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Electric (Overhead	0-33 KV	20'
Distribution and	34-100 KV	45'
Transmission Single Circuits)	101-200 KV	75'
	(pole)	
	101-200 KV	80'
	(tower)	
	201-300 KV	125'
	(tower)	
	301 KV and above	200'
	(tower)	
Telephone cable or open	All	30'
wire when underbuilt		
Communications (Radio,	All	30'
Television, Telephone and		
Microwave)		
Active or passive microwave	All	40'
repeater and/or radio sites		
Microwave paths emanating	All	20' from edges of antenna or
from antennas or passive		passive repeater, and
repeaters		following centerline of path.
Radio & Television antennas	All	30' in all directions
Telephone cable or open	All	30'
wire when underbuilt		

(e) The above right-of-way widths for above ground facilities shall be allowed supplemental clearances as follows:

(1) Equal additional right-of-way for each additional facility, including these allowable supplemental clearances under this section.

(2) Additional clearance widths for poles and towers, and for conductor sway as provided in PRC 4292 and 4293, and 14 CCR 1250 through 1258 inclusive, as applicable.

(3) Additional clearance for removal of danger trees as defined in 14 CCR 895.1.

(4) Additional land area for substation and switch yards, material storage and construction camps, with clearance for firebreaks, and security fencing.

(f) TABLE OF RIGHTS-OF-WAY WIDTHS FOR SINGLE UNDERGROUND FACILITIES

Utility	Size	Width
Electric, Underground	4"-6" Conduit	50'
	More than 6" Conduit	60'

Utility	Size	Width
Gas, Oil, Water & Sewer	6" diam- <del>eter</del> or smaller	50'
(Underground pipe)	Over 6"-12" diam- <del>eter</del>	60'
	Over 12"-24" diam- <del>eter</del>	75'
	Over 24" diam- <del>eter</del>	100'
Penstocks, Siphons	All	100'
Ditches and Flumes	All	150'
Access Roads	All	Access road widths may be up to 14' with an additional 10' width at turnout locations, plus additional width for cuts and fills. Access roads shall be installed and maintained so as to comply with the stream protection requirements and erosion control requirements of the Forest Practice Act, related regulations, and the District Forest Practice Rules.

(g) The above right-of-way widths for underground facilities and penstocks, siphons, ditches and flumes shall be allowed supplemental clearances as follows:

(1) Additional width for cuts and fills. ~~in rough terrain.~~

(2) Removal of trees or plants with roots that could interfere with underground facilities, or with cuts and fills for installation.

(3) Additional clearance for removal of danger trees as defined in 14 CCR 895.1.

(4) For compressor, metering and control stations on natural gas pipelines; including firebreaks and security fencing:

(A) 450 foot width at one side of right-of-way and 500 foot length along the compressor stations.

(B) 300 feet x 300 feet on or alongside the right-of-way for metering and control stations.

(h) In-lieu practices for watercourse and lake protection zones as specified under Article

6 of these rules, exceptions to rules, and alternative practices are not allowed.

Note: Authority cited: Sections 4551, 4553, 4584, ~~4627~~ and 4628, Public Resources Code. Reference: Sections 4512, 4513, ~~4627~~, 4628 and 4584, Public Resources Code.

**Relocate 14 CCR 1080 to 14 CCR 895.1**

#### ~~1080 Substantially Damaged Timberlands~~

~~"Substantially damaged timberlands" means areas of timberland where wildfire, insects, disease, wind, flood, or other blight caused by an act of God occurs after January 1, 1976 and the damage reduced stocking below the requirements of PRC 4561 or other higher minimum stocking requirements that may be applicable under Articles 3 and 11 of Subchapter 4, Article 3 of Subchapter 5, and Articles 3 and 11 of Subchapter 6.~~

~~Note: Authority cited: Sections 4551, 4553 and 4561.6, Public Resources Code.~~

~~Reference: Sections 4561.6, Public Resources Code.~~

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